

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGIA M. BROWN,

Plaintiff,

v.

Case Number 16-10618

Honorable David M. Lawson

Magistrate Judge David R. Grand

UNITED HEALTH GROUP — OPTUM
DIVISION,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING THE COMPLAINT

This matter is before the Court on the report issued on December 7, 2017 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendant's motion for summary judgment and dismiss the complaint. The magistrate judge's report explicitly stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report. However, no objections have been filed, and the time for filing them has lapsed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [53] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [49] is **GRANTED IN PART**. All of the plaintiff's federal claims are **DISMISSED WITH PREJUDICE**,

and all of her state law claims are **DISMISSED** without prejudice. The defendant's demand for an award of its costs and attorney fees is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 16, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 16, 2018.

s/Susan Pinkowski
SUSAN PINKOWSKI